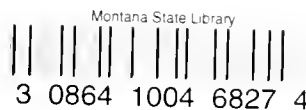


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STATE DOCUMENTS

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

GENERAL GOVERNMENT

AND CONSTITUTIONAL AMENDMENT COMMITTEE PROPOSAL
ON CONSTITUTIONAL REVISION

Date Reported: February 12, 1972

_____, Chairman

_____, Vice Chairman

MONTANA STATE LIBRARY
930 East Lyndale Avenue
Helena, Montana 59601

Date: February 12, 1972

To: MONTANA CONSTITUTIONAL CONVENTION


From: General Government and Constitutional Amendment Committee

Ladies and Gentlemen:

The General Government and Constitutional Amendment Committee submits herewith a proposed Constitutional Revision Article. The proposed Article is intended to replace all sections of the present constitution dealing with constitutional revision.

The Committee addressed itself to the basic problems concerning constitutional revision. The Committee worked with the basic purpose of making a fundamental yet flexible document. In doing so, the Committee gave careful consideration to several citizen and delegate proposals. Our end product is composed of a majority report. In signing this report, a Committee member does not necessarily endorse each and every statement in it.

The Committee utilized the services of the following people: James Grady (Research Analyst), Bobbie Murphy (Secretary) and Robert Skaggs (Intern).


Mark Etchart, Chairman

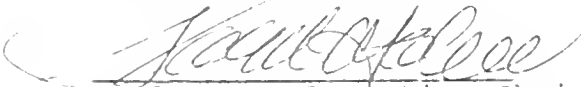

Paul K. Harlow, Vice Chairman

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MAJORITY PROPOSAL

1 BE IT PROPOSED BY THE GENERAL GOVERNMENT AND CONSTITUTIONAL
2 AMENDMENT COMMITTEE:

3 That there be a new Article on Constitutional
4 Revision to read as follows:

6 ARTICLE _____

7 CONSTITUTIONAL REVISION

8 Section 1. CONSTITUTIONAL CONVENTION. (1) The legislature,
9 by an affirmative vote of two-thirds of all the members, may at
10 any time submit to the electors of the state the question of
11 whether there shall be an unlimited convention to revise,
12 alter, or amend this constitution.

13 (2) The people may by initiative petition request
14 the legislative assembly to submit to the voters of the
15 state the question of whether there shall be an unlimited
16 convention to revise, alter, or amend this constitution.
17 The petition must be signed by at least ten percent of
18 the legal voters of the state, which shall include at
19 least ten percent of the legal voters in two-fifths of
20 the legislative representative districts of the state.

21 The petition shall be filed with the Secretary of
22 State, who shall certify the filing thereof to the
23 legislative assembly and cause the question to be sub-
24 mitted to the voters at the general election immediately
25 following the legislative session receiving notice of
26 the filing of said petition.

27 (3) If the question of holding a convention is not
28 otherwise submitted to the people at some time during
29 any period of 20 years, it shall be submitted at the
30 general election in the twentieth year following the

1 last submission of such question.

2 (4) The legislature, prior to a popular vote on
3 the holding of a convention, shall provide for a prepar-
4 atory commission to assemble information on constitutional
5 questions, to assist the voters, and, if a convention is
6 authorized, continued for the assistance of the delegates.

7 (5) If a majority of those voting on the question
8 shall declare in favor of such convention, the legislative
9 assembly shall at its next session provide for the calling
10 thereof. The number of members of the convention shall
11 be the same as the largest body of the legislative
12 assembly. The legislature may determine whether the
13 delegates shall be elected after nomination by political
14 parties, or on a non-partisan basis, but they shall be
15 elected at the same places and in the same districts as
16 the legislative body determining the number of delegates.

17 (6) The legislative assembly shall, in the act
18 calling the convention, designate the day, hour and place
19 of its meeting, fix the pay of its members and officers,
20 and provide for the payment of the same, together with
21 the necessary expenses of the convention.

22 (7) Before proceeding, the members shall take the
23 oath otherwise provided in this constitution. The quali-
24 fications of members shall be the same as the highest
25 qualifications required for membership in the legislature.
26 Vacancies occurring shall be filled in the manner provided
27 for filling vacancies in the legislative assembly, or as
28 otherwise provided by law.

29 (8) The convention shall meet within three months
30 after the election of the delegates and prepare such

1 revisions, alterations or amendments to the constitution
2 as may be deemed necessary, which shall be submitted to
3 the electors for their ratification or rejection as a
4 whole or in separate articles or amendments as determined
5 by the convention and at an election appointed by the
6 convention for that purpose, or at the next general elec-
7 tion, but not less than two months after the adjournment
8 thereof. Unless so submitted and approved by a majority
9 of the electors voting thereon, no such revision, alter-
10 ation or amendment shall take effect.

11 (9) Unless otherwise provided, any revision becomes
12 effective on the first day of July after the certification
13 of the election returns by the Secretary of State.

14 Section 2. CONSTITUTIONAL AMENDMENT BY THE LEGISLATURE.
15 Amendments to this constitution may be proposed by any member
16 of the legislative assembly. If adopted by an affirmative roll
17 call vote of two-thirds of all the members thereof, whether
18 one or more bodies, the proposed amendment shall become a
19 part of the constitution when approved by either of the follow-
20 ing procedures:

21 (1) The legislative assembly may refer the proposed
22 amendment to the voters of the state of Montana to be
23 voted on in the next general election held in the state.
24 In such event the Secretary of State shall cause the
25 amendment or amendments to be published in full in at least
26 one newspaper in each county in which a newspaper is
27 published, twice each month for the two months previous
28 to the next general election for members to the legisla-
29 tive assembly. If approved by a majority of the electors
30 voting thereon, the amendment shall become a part of this

1 constitution on the first day of July after certification
2 of the election returns unless the amendment otherwise
3 provides; or

4 (2) The legislative assembly by a majority roll
5 call vote, may elect not to refer the amendment to the
6 vote of the electors of Montana as provided in the pre-
7 ceding sub-section (1) in which event the amendment shall
8 be presented to the next succeeding legislative assembly
9 after a general election. If adopted by a two-thirds vote
10 of the members of such legislative assembly, the amendment
11 shall become a part of this constitution on the first day
12 of July following its approval unless a petition is filed
13 with the Secretary of State signed by five percent of the
14 legal voters of the state requesting such amendment be
15 referred to a vote of the people as provided in this
16 Constitution for referendum, in which event the amendment shall
17 not become effective until the Secretary of State certifies
18 its approval by a majority of those voting thereon.

19 Section 3. CONSTITUTIONAL AMENDMENT BY INITIATIVE.

20 The people of Montana may also propose constitutional
21 amendments by initiative process. Petitions shall
22 include the full text of the proposed amendment and shall
23 be signed by not less than 15 percent of the legal voters
24 in Montana, which shall include at least 15 percent of
25 the legal voters in two-fifths of the legislative
26 representative districts of Montana. The petitions shall
27 be filed with the Secretary of State, who shall cause the
28 same to be checked and certified as to the validity of
29 the signatures thereon and, if found to be signed by the
30 required number of voters, cause the same to be published

1 in full in at least one newspaper in each county (if such
2 there be) twice each month for two months previous to the
3 next regular state-wide election, at which time the proposed
4 amendment shall be voted on.

5 At said election the proposed amendment shall be
6 submitted to the qualified electors of the state for their
7 approval or rejection. If approved by a majority voting
8 thereon it shall become a part of the constitution effective
9 the first day of July following its approval, unless otherwise
10 provided in the amendment.

11 Section 4. LEGAL VOTERS. The number of votes cast
12 for the office of Governor in the general election immediately
13 preceding the filing of the petition shall determine the
14 number of legal voters.

15 Section 5. SUBMISSION. Should more amendments than one
16 be submitted at the same election, they shall be so prepared
17 and distinguished by numbers or otherwise that each can
18 be voted upon separately.

19 Section 6. GUBERNATORIAL VETO. The veto power of the
20 Governor shall not extend to proposed constitutional
21 revisions or amendments.

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Mark Pichart, Chairman

Paul K. Marlow, Vice Chairman

Don H. Belcher *D. M. Brown* *Ernest F. Choate*
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Otto H. Habedank Peter "Pete" Lorello Robert Verillion

1 COMMENTS OF MAJORITY PROPOSAL

2 Section 1. (1) The legislature, by an affirmative
3 vote of two-thirds of all the members, may at any time
4 submit to the electors of the state the question of
5 whether there shall be an unlimited convention to revise,
6 alter, or amend this constitution.

7 (2) The people may by initiative petition request
8 the legislative assembly to submit to the voters of the
9 state the question of whether there shall be an unlimited
10 convention to revise, alter, or amend this constitution.
11 The petition must be signed by at least ten percent of the
12 legal voters of the state, which shall include at least
13 ten percent of the legal voters in two-fifths of the
14 legislative representative districts of the state.

15 The petition shall be filed with the Secretary of
16 State, who shall certify the filing thereof to the leg-
17 islative assembly and cause the question to be submitted
18 to the voters at the general election immediately following
19 the legislative session receiving notice of the filing of
20 said petition.

21 (3) If the question of holding a convention is not
22 otherwise submitted to the people at some time during any
23 period of twenty years, it shall be submitted at the general
24 election in the twentieth year following the last sub-
25 mission of such question.

26 (4) The legislature, prior to a regular vote on the
27 holding of a convention, shall provide for a preparatory
28 commission to assemble information on constitutional
29 questions, to assist the voters, and, if a convention is
30 authorized, continued for the assistance of the delegates.

1 (5) If a majority of those voting on the question
2 shall declare in favor of such convention, the legislative
3 assembly shall at its next session provide for the calling
4 thereof. The number of members of the convention shall
5 be the same as the largest body of the legislative
6 assembly. The legislature may determine whether the
7 delegates shall be elected after nomination by political
8 parties, or on a non-partisan basis, but they shall be
9 elected at the same places and in the same districts
10 as the legislative body determining the number of delegates.

11 (6) The legislative assembly shall, in the act
12 calling the convention, designate the day, hour and place
13 of its meeting, fix the pay of its members and officers,
14 and provide for the payment of the same, together with the
15 necessary expenses of the convention.

16 (7) Before proceeding, the members shall take the
17 oath otherwise provided in this constitution. The qual-
18 ifications of members shall be the same as the highest
19 qualifications required for membership in the legislature.
20 Vacancies occurring shall be filled in the manner provided
21 for filling vacancies in the legislative assembly, or as
22 otherwise provided by law.

23 (8) The convention shall meet within three months
24 after the election of the delegates and prepare such
25 revisions, alterations or amendments to the constitution
26 as may be deemed necessary, which shall be submitted to
27 the electors for their ratification or rejection as a whole
28 or in separate articles or amendments as determined by the
29 convention and at an election appointed by the convention
30 for that purpose, or at the next general election, but

1 not less than two months after the adjournment thereof.
2 Unless so submitted and approved by a majority of the
3 electors voting thereon, no such revision, alteration or
4 amendment shall take effect.

5 (2) Unless otherwise provided, any revision becomes
6 effective on the first day of July after the certification
7 of the election returns by the Secretary of State.

8 Sec. 1. (1) The legislature, by an affirm-
9 ative vote of two-thirds of all the
10 members, may at any time submit to
11 the electors of the state the question
12 of whether there shall be an unlimited
13 convention to revise, alter, or amend
14 this constitution.

15 This subsection is identical to the first part of
16 Article XIX, Section 8 of the present constitution. The
17 Committee feels that given the additional provisions of
18 the proposed article on constitutional revision, this
19 portion of the proposed article is adequate.

20 Sec. 1. (2) The people may by initiative
21 petition request the legislative
22 assembly to submit to the voters of the
23 state the question of whether there shall
24 be an unlimited convention to revise,
25 alter, or amend this constitution.
26 The petition must be signed by at
27 least ten percent of the legal voters
28 of the state, which shall include at
29 least ten percent of the legal voters
30 in two-fifths of the legislative

1 representative districts of the state

2 The petition shall be filed with
3 the Secretary of State, who shall
4 certify the filing thereof to the
5 legislative assembly and cause the
6 question to be submitted to the voters
7 at the general election immediately
8 following the legislative session
9 receiving notice of the filing of
10 said petition.

11 The people of Montana do not now have the power to call
12 a constitutional convention by the initiative. The Committee
13 feels that this is a basic political right of the people
14 under a government like Montana's. The Committee set the
15 petition qualification, at ten percent of the legal voters
16 of the state, with the additional qualification that at least
17 ten percent of the legal voters of the state in two-fifths of
18 the legislative representative districts of the state be
19 included in that percentage, because it feels such a number
20 is high enough to prevent frivolous attempts at constitutional
21 change and yet low enough to insure citizen constitutional
22 control. The division of the percentage of petitioners by
23 legislative representative districts helps insure a somewhat
24 diversified body of petitioners on a successful petition
25 without violating the principle of one-man, one-vote. It
26 should be noted that this provision (and all subsequent
27 provisions) in its phrase "legislative assembly" allows
28 the provision to keep its intent and internal integrity
29 in either a bicameral or unicameral situation.
30

1 Sec. 1 (3) If the question of holding a conven-
2 tion is not otherwise submitted to
3 the people at some time during any
4 period of twenty years, it shall be
5 submitted at the general election
6 in the twentieth year following
7 the last submission of such
8 question.

9 Subsection 3 of Section 1 is a further guarantee that
10 the people will retain a firm hold on the power of constituting
11 government. This provision calls for the consideration of
12 a constitutional convention at least once every 20 years.
13 The Committee feels periodic consideration strengthens rather
14 than weakens a constitution and a government, as it builds
15 into the constitution recognition of and a remedy for changing
16 times. While there is no magic number that precisely
17 delineates the different constitutional periods, the Com-
18 mittee feels on the average it would take at least 20 years
19 for political changes and their relationship to the consti-
20 tution to be clear. A shorter period of time may subject
21 the constitution to changes based more on short term whimsy
22 than considered need. A longer period may breed dangerous
23 stagnation into the body politic.

24 Sec. 1. (4) The legislature, prior to a popular vote
25 on the holding of a convention, shall
26 provide for a preparatory commission to
27 assemble information on constitutional
28 questions, to assist the voters, and, if
29 a convention is authorized, continued for
30 the assistance of the delegates.

1 Subsection 4 of Section 1 was added by the Committee
2 on the basis of their experience at the convention. The
3 Committee believes that without preparatory work, any con-
4 stitutional convention would be traversing troubled waters
5 in a flimsy craft.

6 Sec. 1. (5) If a majority of those voting on
7 the question shall declare in favor of
8 such convention, the legislative
9 assembly shall at its next session
10 provide for the calling thereof. The
11 number of members of the convention
12 shall be the same as the largest body
13 of the legislative assembly. The legis-
14 lature may determine whether the dele-
15 gates shall be elected after nomination
16 by political parties, or on a non-partisan
17 basis, but they shall be elected at the
18 same places and in the same districts as
19 the legislative body determining the
20 number of delegates.

21 Subsection 5 of Section 1 mandates the legislative
22 assembly to provide for the calling of the convention, and
23 to some degree dictates the manner in which the convention
24 shall be called and initially organized. The Committee
25 feels this is necessary, as without some clear directions,
26 the convention though scheduled and called, could be bogged
27 down before it ever gets off the ground.

28 The Committee heard testimony on several delegate
29 proposals (See Appendix B) calling for determination of the
30 political complexion of any future convention. The Committee

1 after careful consideration, feels the present constitution
2 should not make such a determination. The political climate
3 of Montana and indeed the whole country is such that the
4 problems of partisanship and political parties as we know
5 them today may be quaint historical anachronism tomorrow.
6 If, in 2052 (80 years hence), another constitutional con-
7 vention is called and the Montana polity is characterized
8 by town meeting type councils, then partisan provisions
9 would be wholly inapplicable. If the constitution contains
10 partisan provisions, there is also the danger that future
11 electorates may be vexed and irritated by those provisions
12 as many of the Montana electorate were at the mandated
13 partisan nature of this convention.

14 Sec. 1. (6) The legislative assembly shall,
15 in the act calling the convention,
16 designate the day, hour and place of its
17 meeting, fix the pay of its members
18 and officers, and provide for the pay-
19 ment of the same, together with the
20 necessary expenses of the convention.

21 Subsection 6 was designed by the Committee as a protec-
22 tion device for future constitutional conventions. Through-
23 out history (noteably in the Western European tradition)
24 obstreporous and unresponsive representative bodies had
25 thwarted the will of their constitutients by tokenism. The
26 legislature may call a convention, or it may be confronted
27 with the fait accompli, through initiative, but it could
28 frustrate popular will by withholding the necessary materials
29 and funds, thus destroying the convention's ability to do
30 anything.

4. 1. (7) After the expiration of the term of office, the members shall take the oath of office provided in this constitution. The qualifications of members shall be the same as the highest qualifications required for membership in the legislature. Vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly, or as otherwise provided by law.

Subsection 7 was designed by the Committee to help insure continuity of the convention itself. Again, the Committee feels such measures are necessary to assist future conventions in their task, and that such assistance should be provided in the constitution.

Sec. 1. (8) The convention shall meet within three months after the election of the delegates and prepare such revisions, alterations or amendments to the constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection as a whole or in separate articles or amendments as determined by the convention for that purpose, or at the next general election, but not less than two months after the adjournment thereof. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration or amendment shall take effect.

Subsection 3 was also designed to help structure

1 future conventions, but as with other sections, the structur-
2 ing is flexible enough to allow for changing conditions.

3 Sec. 1. (9) Unless otherwise provided, any
4 revision becomes effective on the first
5 day of July after the certification of
6 the election returns by the Secretary
7 of State.

8 Subsection 9 allows the convention to provide for its
9 own adoption schedule, and it also provides a general guide-
10 line and a schedule should some revision not be scheduled by
11 the convention.

12 *Section 2. CONSTITUTIONAL AMENDMENT. Amendments to*
13 *this constitution may be proposed by any member of the*
14 *legislative assembly. If adopted by an affirmative roll*
15 *call vote of two-thirds of all the members thereof,*
16 *whether one or more bodies, the proposed amendment shall*
17 *become a part of the constitution when approved by either*
18 *of the following procedures:*

19 *(1) The legislative assembly may refer the proposed*
20 *amendment to the voters of the state of Montana to be voted*
21 *on in the next general election held in the state. In*
22 *such event the Secretary of State shall cause the amend-*
23 *ment or amendments to be published in full in at least one*
24 *newspaper in each county in which a newspaper is published,*
25 *twice each month for the two months previous to the next*
26 *general election for members to the legislative assembly.*
27 *If approved by a majority of the electors voting thereon,*
28 *the amendment shall become a part of this constitution on*
29 *the first day of July after certification of the election*
30 *returns unless the amendment otherwise provides; or*

(2) An initiative or referendum shall only be placed on the ballot at a general election, and shall be referred to the vote of the electors of the state as provided in the preceding section. (3) An initiative or referendum shall be presented to the next succeeding legislative assembly after a general election. If adopted by a two-thirds vote of the members of such legislative assembly, the amendment shall become a part of this constitution on the first day of July following its approval unless a petition is filed with the Secretary of State signed by five percent of the legal voters of the state requesting such amendment be referred to a vote of the people as provided in this constitution for referendum, in which event the amendment shall not become effective until the Secretary of State certifies its approval by a majority of those voting thereon.

The introductory paragraph to this section establishes one method by which constitutional amending may be commenced. It is important to note that two-thirds of the members of the total membership of the legislative assembly is required to begin the amending process. This means that in a bicameral situation with 20 members in the upper house and 40 members in the lower house, a vote of the lower house would be sufficient to begin on the vote of 20 members of the upper house and 10 members of the lower house, or any 2/3 mixture of the membership.

The Committee feels such a measure is restrictive enough to prevent frivolous legislative action, yet is open enough to overcome stringent opposition of a few well-placed members of one bicameral house. If the provision were 2/3 of the members of both houses in our hypothetical

1 legislature 7 members of the upper house could thwart the
2 wishes of their 53 fellow legislators. In that situation,
3 the plurality of elected officials necessary to achieve
4 a legislatively originated constitution amendment is 90
5 percent or 9/10 rather than 2/3.

6 To facilitate flexibility, the Committee has provided
7 for two proposed methods of constitutional amendment by
8 the legislature. The first procedure (outlined in sub-
9 section 1 of Section 2) is analagous to the method of
10 amending the constitution in the present constitution's
11 Article XIX, Section 9. The proposed section, however,
12 does not go into the cumbersome procedural detail contained
13 in the present constitution. This cumbersome detail has
14 been a burden to often-popular constitutional change. In
15 one instance the Supreme Court of Montana voided a pro-
16 posed constitutional amendment for the slight procedural
17 irregularity of failure to follow the constitutional
18 directive in Article XIX, Section 9 and enter the proposed
19 amendment in full in the journals of both houses [Dufree,
20 v. Harper, 22 Mont. 354 (1899)]

21 Subsection 2 of Section 2 provides for a new method
22 of constitutional amendment. After the legislature has
23 once passed a proposed amendment by the required 2/3 vote,
24 it is referred to the next legislative assembly. If the
25 proposed amendment again passes the assembly by the neces-
26 sary 2/3 vote, the amendment takes effect on the specified
27 day. The people have a check on this process, as they can,
28 with a petition from five percent of the voters, cause
29 such an amendment to be directly voted on by the people.
30 The small percentage of required petitioners makes this

1 check on legislative abuse extremely viable.

2 One of the bigger assets of this new method of con-
3 stitutional amendment is economy. Legislative action is much
4 cheaper than popular action when the cost of an election is
5 compared with the cost of a fairly routine legislative
6 function, the passage of a bill. Yet the state does not
7 lose careful consideration to economic benefit. The
8 people, in addition to the explicit check of petition
9 previously discussed, have the check of making their views
10 known in the time span between legislative sessions.
11 They also have the opportunity to choose those who make the
12 final decision after the substance of the decision has been
13 stated.

14 *Section 3. The people of Montana may also propose*
15 *constitutional amendments by initiative process. Petitions*
16 *shall include the full text of the proposed amendment and*
17 *shall be signed by not less than 15 percent of the legal*
18 *voters in Montana, which shall include at least 15 percent*
19 *of the legal voters in two-fifths of the legislative*
20 *representative districts of Montana. The petitions shall*
21 *be filed with the Secretary of State, who shall cause the*
22 *same to be checked and certified as to the validity of the*
23 *signatures thereon and, if found to be signed by the required*
24 *number of voters, cause the same to be published in full in*
25 *at least one newspaper in each county (if such there be)*
26 *twice each month for two months previous to the next regular*
27 *state-wide election, at which time the proposed amendment*
28 *shall be voted on.*

29 *At said election the proposed amendment shall be sub-*
30 *mitted to the qualified electors of the state for their*

1 approval or rejection. If approved by a majority voting
2 thereon it shall become a part of the constitution effect-
3 ive the first day of July following its approval, unless
4 otherwise provided in the amendment.

5 Section 3 of the proposed article creates a new
6 power for the people of Montana, the right to initiate
7 constitutional amendments. The Committee feels this is an
8 inherent right in a body politic whose constitution is to
9 be the embodiment of the will of the people. The Committee's
10 proposal sets up the exact machinery for expressing this
11 will through establishment of the petition requirements and
12 the administration process. The 15 percent petition require-
13 ment and the geographical requirement are high, but the
14 Committee feels it is not unreasonable to demand strict
15 standards when dealing with something as fundamental and
16 important as constitutional change. Although the standard
17 is high, the Committee does not feel it is so high that
18 pressing popular and needed constitutional reforms could
19 not be initiated by the people. The standard, the Committee
20 feels, will operate to check erratic whimsy.

21 Section 4. The number of votes cast for the office
22 of Governor in the general election immediately preceding
23 the filing of the petition shall determine the number of
24 legal voters.

25 Section 4 of the Article is merely an administrative
26 and technical section in that it defines the number of legal
27 voters for computation of the petition requirements. It
28 does not and cannot be used to infringe and inhibit the
29 initiative and referendum processes through technical
30 circumvention. Indeed, this Section, by setting up such

1 a standard, guards against such abuses.

2 *Section 5. Should more amendments than one be sub-*
3 *mitted at the same election, they shall be so prepared*
4 *and distinguished by number or otherwise that each can be*
5 *voted upon separately.*

6 Section 5 is designed to aid voters in casting their
7 votes on constitutional issues, and as a check on the pos-
8 sible action of grouping several issues under one innocuous
9 title.

10 *Section 6. The veto power of the Governor shall not*
11 *extend to proposed constitutional revisions or amendments.*

12 The Committee feels that one man, the Governor, should
13 not have the power to override proposed constitutional
14 measures when the requirements for proposing those measures
15 are as stringent as this article creates.

16 * * *

17 The proposed articles on constitutional revision are
18 lengthy and at times somewhat detailed. However, the Com-
19 mittee feels this necessary. This is the article that to a
20 large degree determines whether this constitution, and
21 through it the state, will be flexible or frozen, respons-
22 ive or rigid, basic or erratic. In order to hit a happy
23 and workable medium in the dilemma of those determinations,
24 the process for control and change of a constitution must
25 be clear. This clarity can be thwarted by a two-edged
26 sword: On the one hand, there must be enough detail to
27 spell out procedure and readily accomplish desired ends.
28 On the other hand the detail must not proliferate and
29 degenerate into entrapping trivia that obscures and thwarts
30 the desired end. The Committee feels this proposed article

1 solves the problem.

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APPENDIX A

CROSS REFERENCES

Proposed Section	Present Article & Section
1	XIX, 8, with revision
2	XIX, 9, with revision
3	None
4	None
5	None
6	None

, APPENDIX B

PROPOSALS CONSIDERED BY COMMITTEE

The following delegate proposals were examined and considered by the _____ committee during its deliberations:

	<u>Number of proposal</u>	<u>Chief Sponsor</u>	<u>Subject Matter and Disposition</u>
1.	27	Mahoney	This proposal established procedures for legislative and initiative constitutional amendments, and prohibited gubernatorial veto on constitutional revisions. It was revised and incorporated in Section 2 of the proposed article.
2.	52	Warden	This proposal dictated nonpartisan elections for future constitutional conventions. It was revised and covered in Section 1 of the Committee proposal.
3.	58	Harbaugh	This proposal called for periodic consideration of constitutional conventions, and was revised and incorporated in Section 1.
4.	94	Habedank	A revisal of this proposal comprises the Committee report.
5.	106	Arbanas	This proposal deals with the constitutional convention process, and as such was revised and covered in the Committee report.

APPENDIX C

WITNESSES HEARD BY COMMITTEE

Name - Affiliation - Residence - Subject

1. Duane Welker - private citizen - Hamilton, Mont.
Constitutional revision, imposition of limitation
on future actions

Note; This list does not include delegates who spoke
in favor of their particular proposal

